

MAR 28 1985

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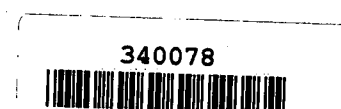
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March 25, 1985

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5969-9

Re: Duane Marine Salvage Corp.

Dear Ms. Thompson:

After a careful search through financial records, facilitated in part by the information you provided me from manifests, I am able to provide you with documents that identify the nature of the substances transported from the former Two Guys warehouse in Garfield, New Jersey. As I explained to you earlier, "Two Guys" was the trade name of a number of discount retail outlets owned by Vornado, Inc.

During the 1978-79 winter months, there was a spill of virgin #4 fuel oil that was traced to a leak in a storage tank on the premises and a malfunctioning fuel pump. The oil spilled onto the Garfield property; a portion flowed into an adjacent creek. Duane Marine Salvage Corporation was contracted to contain and clean up the spilled oil and water mixture and remove it from the premises.

The facts relating to the nature of the oil and the cause of the spill are set forth in the enclosed affidavit of Nicholas Salimbene who was the manager of the Garfield warehouse. You will note that in the first paragraph he states that the motor pool for the fleet of delivery trucks maintained by Two Guys at the time was not located on those premises.

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Margaret Thompson, Esq.

March 25, 1985

I also enclose a series of invoices issued by Duane Marine to Vornado which clearly reveal two significant facts: a) they contain references to New Jersey manifests that coincide precisely with the dates and amounts reflected on the copies of manifests furnished you by Duane Marine and b) there are numerous references in the invoices and accompanying documents to equipment and activities of spill cleanup: "sorbent boom logs", "boom rental," "Two Guys spill," "cleaned oil from creek" and "suck and dispose [of] oil from ditch."

Most telling perhaps is the sheer quantify of oil (22,000 gallons) that was removed within a week's period of time. Even if the motor pool had been located there, it would hardly generate that much waste oil in a single week.

Virgin fuel oil, even mixed with creek water, does not constitute a hazardous substance within the meaning of CERCLA. 42 U.S.C. §9601(14). I will request on behalf of Vornado, therefore, that it be deleted from EPA's list of potentially responsible parties for the Duane Marine site.

Please contact me at (201) 621-8800 if you have any questions about the enclosed or desire any additional information.

Very truly yours,

HANNOCH, WEISMAN, STERN, BESSER,  
BERKOWITZ & KINNEY, P.A.

By

  
A. Patrick Nucciarone

APN:jg  
Enclosures

cc: Ms. Janet Feldstein (w/encl.)